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ENERGY AND COMMERCE

CHAIRMAN

SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
FINANCE

INTERIOR AND INSULAR
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COMMISSION ON SECURITY AND
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8/21/91

Dear Tom,

Enclosed are questions from Congressman Markey on the February 28, 1991 NRC hearing before Representative Kostmayer's subcommittee on Energy and Environment.

These questions were included in the hearing record, but apparently not received by the NRC. Thank you for your attention to this matter.

Sincerely,

Kristen Van Hook

Questions from Congressman Edward Markey Submitted March 26, 1991

Plant Aging

Question 1: At the Subcommittee on Energy and Environment's hearing on February 28th, I inquired as to whether the issue of reactor vessel embrittlement at the Yankee Rowe plant in Rowe, Massachusetts would be considered at the license renewal hearing for that plant which is expected to take place in September. I raised this issue after reviewing statements made by Thomas Murley, Director of the Office of Nuclear Reactor Regulation, in the February 11, 1991 issue of Inside NRC. This publication quotes Mr. Murley's statement that reactor embrittlement questions must be resolved "independent of license renewal." If the issues of reactor embrittlement and plant license renewal are considered "independently", does this mean that plant relicensing can proceed regardless of the status of an inquiry into reactor embrittlement? Would a license be renewed if the embrittlement question had not been resolved?

Question 2: As I stated at the hearing, my concern is that the public have an opportunity to consider and review the embrittlement of the Yankee Rowe vessel in the course of public hearings on relicensing for that plant. I am also interested in ensuring, as you indicated the Commission is, that the public have an opportunity to address reactor vessel embrittlement at the relicensing hearing. My interpretation of your testimony at the hearing was that the aging issue of reactor embrittlement would be considered even if it had been resolved prior to the public hearings on relicensing the plant. Is this an accurate interpretation of the Commission's position?

Nuclear Non-Proliferation

Question 3: Mr. Carr, during the Subcommittee's hearing on the NRC authorization for fiscal year 1992 you stated, "I don't think that the current safeguard system is a paper tiger." You further stated that while you didn't think the present safeguards system was adequate, "I think it is about the best we can do under the circumstances." Please provide answers to the following questions:

A) Do all of the NRC Commissioners share your pessimism about the prospects of making improvements in the international safeguards system?

B) In light of the shortcomings in the safeguards system identified during the course of the Gulf crisis, has the NRC made any recommendations to the executive branch regarding steps which could be taken to strengthen domestic or international controls against nuclear non-proliferation? If so, what are they?

Question 4: Please indicate whether the NRC would support reforms in the IAEA system which would:

- A) require the IAEA to make available to the public its documents and reports on: 1) the particular arrangements made by the IAEA for the application of safeguards on specific nuclear materials and equipment, 2) the detailed results of individual inspections by the IAEA of nuclear materials and equipment subject to safeguards, 3) problems encountered by the IAEA in the implementation of safeguards;
- B) improve the access of the IAEA within nuclear facilities that produce, process, or fabricate weapons-capable nuclear materials;
- C) increase exercise by the IAEA of its right to conduct special inspections of facilities, including facilities in which nuclear materials that have not been declared to the IAEA may be located;
- D) improve the IAEA's efforts to meet and to maintain its own goals for detecting diversions of nuclear materials and equipment, giving particular attention to facilities in which there are bulk quantities of plutonium;
- E) to require the IAEA to declare publicly when it is not technically feasible for the IAEA to meet its detection goals in a particular facility;
- F) apply the IAEA's mandatory safeguards to tritium and natural uranium concentrate and increase the scope of such safeguards on heavy water.

Question 5: During the Subcommittee's hearing, I asked you whether you believed that dual-use items on the nuclear referral list should be subjected to the same restrictions on exports which are currently in place for exports of nuclear fuel and facility exports (i.e., a requirement for IAEA safeguards and programs of cooperation). Does the Commission believe that exports of dual-use/nuclear referral list items, as well as exports of nuclear components and technology, should be conditioned on a requirement for safeguards and programs of cooperation?

Question 6: During the Subcommittee's hearing Chairman Carr indicated that although he personally attended the NPT Review Conference, he was unaware of any agreement reached at that conference urging adoption of stronger safeguards on tritium. Please explain how this could occur. Was the NRC not consulted by the executive branch when the parties agreed to call "...for early consultations among States to ensure that their supply and export controls are appropriately coordinated."?

Question 7: Do all of the NRC Commissioners agree with Chairman Carr that no additional controls or safeguards are needed for tritium beyond those which already exist, despite the fact that the draft NPT Review Conference finding urged "early consultation among States to ensure that their supply and export controls are appropriately coordinated."? Does the NRC have any plans to follow-up on the recommendation contained the draft NPT Review document? Does the NRC believe that any changes in existing controls on tritium are needed?

Question 8: Does the NRC believe that the U.S. should stop exporting highly-enriched uranium (HEU) for domestic and foreign research reactors and encourage such research reactors to convert to use of low enriched uranium?

Question 9: During the Subcommittee's hearing, Commissioner Carr stated that "we depend on voluntary restrictions from governments that are independent in this world, and they have to do that voluntarily. If the Soviet Union wants to sell nuclear materials to some country, all you can do is diplomatically try to stop that or go to war to stop that." Please inform the Subcommittee:

- A) Has the Soviet Union ever sold any nuclear materials or equipment in violation of any international agreements?
- B) How do the Soviets compare to the performance of PRC, France, Switzerland, or Germany, each of which has been frequently mentioned in the press as an active exporters of sensitive nuclear-related technologies?
- C) Does the NRC favor establishing some form of multilateral international sanction to discourage nuclear supplier nations from transferring nuclear materials or equipment to other countries without first requiring full-scope safeguards as a condition of nuclear supply?
- D) Recent press reports indicate that the U.S. initiated an effort to create a working group at the Nuclear Suppliers Group to study controls on dual-use items. What is the U.S. trying to achieve in this working group? What is NRC's role in this process?